



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

nt Application of

Victor Hsieh

Application No. 09/967,233

Filed: September 27, 2001

For:

ONLINE INTELLIGENT

INFORMATION COMPARISON AGENT OF MULTILINGUAL ELECTRONIC

DATA SOURCES OVER INTER-

CONNECTED COMPUTER NETWORKS

Mail Stop Appeal Brief-Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Group Art Unit: 3693

Examiner: Kirsten S. Apple

APPEAL BRIEF

153 Townsend Street, Suite 800 San Francisco, CA 94107-1957

(415) 836-2500

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Dear Sir/Madam:

This is an appeal from the Office Action, made final, dated January 29, 2007, ("Final Office Action"), and a Notice of Appeal that was received by the Patent Office on July 30, 2007. One (1) copy of this appeal brief is enclosed.

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Real Party in Interest

The real party in interest is Victor Hsieh, the applicant of record.

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Related Appeals and Interferences

There are no related appeals or interferences.

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Status of Claims

Claims 8 through 35 are pending in the application. Claims 8-35 have been finally rejected by the Examiner. This is an appeal of the rejection of claims 8-35.

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Status of Amendments

No amendments were filed subsequent to the final rejection.

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Summary of claimed subject matter

Two independent method claims (8 and 29) are involved in this appeal. As required by MPEP 1205.02, in the following concise explanation of the subject matter of the independent claims involved in the appeal, references are made to the specification and drawings as an aid for the Board to determine the claimed subject matter. However, these references are intended as examples of the subject matter of the claims, and there is no intention in the use of such references to limit the breadth of the invention claimed to the specific examples identified.

Claim 8:

Claim 8 is directed to a method for real-time online search processing over interconnected computer networks. In the method, an offline database is accessed having vendor
descriptions for a plurality of vendor sites, including vendor sites in different native languages,
over inter-connected computer networks. The vendor descriptions include (i) a URL for each
of the plurality of vendor sites; (ii) a search form URL for each of the plurality of vendors; (iii)
description of domains found in each of the plurality of vendor sites; (iv) generalized rules
about how product information is organized on each of the plurality of vendor sites; (v) samples
of price and product information retrieved from the plurality of vendors.

¹ See Fig. 2, published application ¶¶ 0085-0087.

² See Fig. 2, reference numerals 22, 24, 28, published application ¶ 0086, 0090, 0094, 0118, for example.

³ See published application ¶ 0123, 0141, 0238.

⁴ See Fig. 2, published application ¶¶ 0085-0087, 0123, 0132, 0141, 0283.

⁵ See Figs. 5, 23, published application ¶ 0090, 0114, 0119, 0122, 0143, 0339

⁶ See Figs. 5, 23, published application ¶ 0090, 0126, 0127, 0143, 0352. Specific examples of vendor search form URLs are provided in the description, for example:

[&]quot;http://www.onlineshop.com/search.asp?item=", at ¶ 0127;

[&]quot;http://st4.yahoo.com/cgi-bin/nsearch?catalog=1cache&query=", at ¶ 0143;

[&]quot;http://www.800.com/search/srchrslts.asp?qs=1&slteentry=All&entry=", at Fig. 5.

⁷ See Figs. 5, 23, published application ¶ 0090, 0135.

⁸ See Figs. 5, 23, published application ¶¶ 0090, 0114, 0119, 0122, 0131, 0149-0157.

⁹ See Figs. 5, 23, published application ¶ 0090, 0116, 0131, 0149-0157.

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request for a desired product¹⁰ is received from an online user, in one of the different native languages.¹¹ Identified from the vendor descriptions, are vendor sites which may have price information relevant to the price comparison request.¹² Search requests are constructed for the desired product using the vendor descriptions for each of the identified vendor sites, including the corresponding search form URL.¹³ The constructed search requests are submitted directly to the identified vendor sites.¹⁴ Price and product information are extracted from search results received in response to the submitted search requests, wherein the extracted price and product information are in the one of the different native languages.¹⁵ The extracted price and product information are displayed to the user.¹⁶

Claim 29:

Claim 29 relates to a method for real-time online search processing over inter-connected computer networks.¹⁷ Offline database information is maintained for a plurality of vendor sites over inter-connected computer networks.¹⁸ These vendor sites include vendor sites in different native languages.¹⁹ The information includes URLs,²⁰ search form URLs,²¹ description of domains,²² and vendor descriptions that include generalized rules about how product information

¹⁰ See Figs. 15B, 15C, 39, published application ¶ 0124-0126, 0132, 0280, 0315, 0352, 0415.

¹¹ See Figs. 15B, 15C, published application ¶ 0060, 0123, 0124, 0132, 0141, 0283.

¹² See Figs. 15B, 15C, published application ¶¶ 087, 0124-0129, 0138, 0141, 0352.

¹³ See Figs. 15B, 15C, published application ¶ 087, 0124-0129, 0138, 0141, 0352.

¹⁴ See Figs. 15B, 15C, published application ¶ 087, 0124-0129, 0138, 0141, 0352.

¹⁵ See Figs. 15C, published application ¶ 0124-0129, 0131-0132, 0136, 0138, 0141, 0283, 0352, 0357, 0383

¹⁶ See Figs. 15B, 15C, 39, published application ¶¶ 0087, 0123, 0124, 0132, 0138, 0141, 0283, 0295, 0403, 0415.

¹⁷ See Fig. 2, published application ¶¶ 0085-0087.

See Fig. 2, reference numerals 22, 24, 28, published application ¶ 0086, 0090, 0094, 0118, for example.

¹⁹ See published application ¶ 0123, 0141, 0238.

²⁰ See Figs. 5, 23, published application ¶0090, 0114, 0119, 0122, 0143, 0339

²¹ See Figs. 5, 23, published application ¶ 0090, 0126, 0127, 0143, 0352. Specific examples of vendor search form URLs are provided in the description, for example:

[&]quot;http://www.onlineshop.com/search.asp?item=", at ¶ 0127;

[&]quot;http://st4.yahoo.com/cgi-bin/nsearch?catalog=1cache&query=", at ¶ 0143;

[&]quot;http://www.800.com/search/srchrslts.asp?qs=1&slteentry=All&entry=", at Fig. 5.

²² See Figs. 5, 23, published application \P 0090, 0135.

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is organized on each of the vendor sites.²³ A price comparison request for a desired product is received from an online user in one of the different native languages. 24 Parameters are processed for the price comparison request using the information maintained in the offline database, including identifying from the vendor descriptions vendor sites which may have price information relevant to the price comparison request.²⁵ Search requests are constructed using the information maintained in the offline data base for each of the identified vendor sites, including a search form URL.²⁶ and submitted directly to the identified vendor sites.²⁷ Real-time price and product information are extracted from the identified ones of the plurality of vendor sites from information received in response to the search requests., wherein the extracted price and product information are in the one of the different native languages.²⁸ The extracted price and product information are displayed to the user.²⁹

²³ See Figs. 5, 23, published application ¶ 0090, 0114, 0119, 0122, 0131, 0149-0157.

²⁴ See Figs. 15B, 15C, published application ¶¶ 0060, 0123, 0124, 0132, 0141, 0283.

²⁵ See Figs. 15B, 15C, published application ¶¶ 087, 0124-0129, 0138, 0141, 0352.

²⁶ See Figs. 15B, 15C, published application ¶¶ 087, 0124-0129, 0138, 0141, 0352.

²⁷ See Figs. 15B. 15C, published application ¶ 087, 0124-0129, 0138, 0141, 0352.

²⁸ See Figs. 15C, published application \P 0124-0129, 0131-0132, 0136, 0138, 0141, 0283, 0352, 0357, 0383

²⁹ See Figs. 15B, 15C, 39, published application ¶ 0087, 0123, 0124, 0132, 0138, 0141, 0283, 0295, 0403, 0415.

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Grounds of rejection to be reviewed on appeal

The issue on appeal is:

Whether claims 8-35 are unpatentable under 35 U.S.C. 103 (a)³⁰ over U.S. Patent No. 6,789,073 to Lunenfeld, in view of Gralla ("*How the Internet Works*"), in further view of Alta Vista (wayback machine of Alta Vista's translation machine from April 08, 2000).

³⁰ The Examiner's discussion of the claim rejection at page 2 of the Final Rejection, mailed January 29, 2007, includes the sentence "Claims 8-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Lunenfeld." However, the passages which precede and which follow that sentence all appear to relate to a rejection under 35 U.S.C. 103(a). Therefore it is believed that such sentence was inadvertently included, and will not be addressed in this Appeal Brief.

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Argument

The involved claims are directed to real-time, online search processing methods, in which

search requests constructed using vendor-site search-form URLs, from stored vendor

descriptions, are submitted directly to vendor sites which have been identified using the stored

vendor descriptions. Involved independent claims 8 and 29, include the steps, among others, of

accessing or maintaining a database having vendor descriptions for a plurality of vendors,

including vendor sites in different native languages. The vendor descriptions include a "search

form URL" for each of the plurality of vendors, descriptions of domains found in the vendor

sites, and rules about how information is organized on each of the vendor sites. The methods

also include the step of constructing or processing a search or comparison request, received in

one of the different native languages, by using, inter alia, the information maintained in the

database, which includes the search form URLs, to identify vendors to search and to construct

the search request from the vendor descriptions for the identified vendors. The constructed

search requests are submitted directly to the identified vendors. Also included is the step of

extracting from information received from identified vendor sites, information in the one of the

different native languages. Among the benefits of the claimed methods, as discussed in the

subject application, for example at paragraphs 0123, 0132, 0141, and 0283 of the published

version, are that vendor sites which are in the native language of the search request entered by

the user may be identified through the vendor descriptions, that information may be obtained

from the identified vendor site in the native language used by that site, and that there is no need

for any translation of the native language used into a standard language. As a result, by using the

native language of the search request from the user, the errors and ambiguities introduced by a

translation step are avoided.

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The Examiner's rejection must be overturned for the following reasons:

Rejection of claims 8-35: 35 U.S.C. 103(a):

The Examiner has relied upon a combination of three references to reject the claims under 35 U.S.C. 103(a): US Patent No. 6,789,073 to Lunenfeld ("Lunenfeld"), attached as Reference 1; Gralla, *How the Internet Works*, Millennium Edition, Macmillan Computer Publishing, 1999, pp. 184-189 ("Gralla"), attached as Reference 2; and Alta Vista, WayBack Machine archive of Alta Vista World: Home's translation machine from April 08, 2000 ("AltaVista"), attached as Reference 3.

Lunenfeld does not teach identifying vendor sites from vendor descriptions:

The Examiner has pointed to Lunenfeld as teaching a number of the features of the claims, including the features in involved independent claims 8 and 29 of identifying vendor sites and constructing search requests from vendor descriptions stored in an offline database (claim 8), or using information in an offline data base, including identifying vendor sites, to process parameters for a price comparison request (claim 29). In the Final Office Action, included in the Evidence appendix, the Examiner stated:

Lundenfeld further teach a PS server which parses, processes and/or formats the information requests. The server PS may also make additional optional requests of optional offline databases (reference the section of server PS starting at column 42; line 10). Examiner notes that this represents Applicant's offline database having vendor descriptions for a plurality of vendor sites including a URL for each of the sites, description domain and generalized rules about how product information is organized.

(Final Office Action, page 3, emphasis added.)

The Examiner's own explanation of the teachings of Lunenfeld effectively acknowledges (see the emphasized passage) that Lunenfeld lacks the "vendor description" feature of involved independent claims 8 and 29. According to the Examiner, Lunenfeld describes "optional

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Lunenfeld does not make use of such offline databases. Further, the Examiner, other than citing "the section of server PS starting at column 42; line 10," has not pointed out where, in the voluminous and repetitive discussion of that section, it is taught to identify vendor sites and construct search requests from vendor descriptions stored in an offline database (claim 8), or to use information in an offline data base, including identifying vendor sites, to process parameters for a price comparison request (claim 29). Instead, it is respectfully submitted that Lunenfeld does not teach such features. For example, it is believed that in the user request forms shown in Figs. 5A through 10 of Lunenfeld, server addresses are either selected by the user or are default server addresses. See for example, Lunenfeld col. 78:63 – 79:4. In other words, for example, Lunenfeld does not disclose "identifying from the vendor descriptions, vendor sites which may have price information relevant to the price comparison request," such as is recited in involved independent claims 8 and 29. For at least this reason, the Examiner's rejection of the claims is in error and must be overturned.

Neither Lunenfeld nor Gralla teach use of vendor search form URLs submitted directly to identified vendor sites:

The Examiner has acknowledged that Lunenfeld does not specifically teach using vendor search form URLs, which is another feature of involved independent claims 8 and 29.³¹ To supply this missing feature the Examiner has cited Gralla and stated:

Lunenfeld does not specifically teach using search form URLs. Applicant teaches search form URLs in the specification on page 25, lines 3-14. Examiner submits Gralla as evidence that search form URL's were an old and well known means of searching the Internet. Examiner specifically relies on page 189 box 3, which teaches agents which are intelligent enough to know the proper syntax to

³¹ It follows that the Examiner has recognized that Lunenfeld does not specifically teach using vendor search form URLs submitted directly to identified vendor sites.

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<u>search a server</u>. This feature provides efficiency, as the agent doesn't have to fill out forms a normal user would be required to fill out.

(Final Office Action, page 4, emphasis added.)

As shown on page 189 of Gralla, the described agents search the Internet through

Internet search engines or intermediary search engines, such as those illustrated on the page —

Alta Vista, Yahoo!, Lycos, and Excite. It is respectfully submitted that the teaching in Gralla, at box 3 on page 189, thus relates to Internet search engine syntax, not to the Internet generally as the Examiner's characterization appears to assert, nor to the use of vendor search form URLs.

Box 3 states only that:

The agents are intelligent enough to know how each <u>search engine</u> functions – for example, whether a particular <u>engine</u> allows for Boolean searches (searching by using AND, OR, and other variables). The agents also know the exact syntax that each <u>engine</u> requires. The agents put the search terms in the proper syntax required at each specific <u>search engine</u> and submit the search – they don't have to fill out forms, as users normally do at a <u>search engine</u>.

(Gralla, Box 3, page 189, emphasis added.)

In Gralla, at page 189, the Internet search engines (intermediary search engines) are shown returning URLs and other information of each site that matches the search, however the manner in which the Internet search engines perform searching on the Internet is simply not disclosed or discussed. It follows that in Gralla, at page 189, there is simply no discussion, teaching, illustration, or disclosure of the use vendor search form URLs submitted directly to identified vendor sites, as in involved independent claims 8 and 29. Thus the Examiner's rejection is in error for at least this reason, in addition to the other reasons set forth herein.

In view of Gralla's teaching of using Internet search engines to search the Internet, it is respectfully submitted that the Examiner was also in error in applying Gralla to Lunenfeld in the Examiner's statement that:

It would have been obvious to one of ordinary skill at the art at the time of the invention to modify the searching agent of Lunenfeld to include searching using a sites preferred method including search form URLs as taught by Gralla. One of ordinary skill in the art would have been motivated to make such a modification in order to provide efficiency as taught by Gralla.

(Final Office Action, page 4, emphasis added.)

The combining of Gralla's teaching of using the search syntax of Internet search engines, such as Yahoo!, Alta Vista, Excite, and Lycos, to submit search requests to the Internet search engines to search the Internet with Lunenfeld, would simply result in a configuration in which the Lunenfeld searching was performed through such Internet search engines (intermediary search engines). A further consequence of using intermediary search engines is that the information obtained is not "real-time" as compared with information obtained by the configurations of claims 8 and 29 using vendor search form URLs submitted directly to identified vendor sites. Therefore, it is respectfully submitted that the combination would not result in a method using vendor search form URLs submitted directly to identified vendor sites, as in claims 8 and 29.³²

Language Translation is avoided in the claimed invention:

The Examiner has stated that Lunenfeld does not specifically teach translating content into different languages, and cited AltaVista "as evidence that automatic, electronic translation to and from different languages is a well-known on-line feature." Specifically, the Examiner took the position:

³² In the Examiner's "Response to Arguments" discussion on page 5 of the Final Office Action, the Examiner cites "(NPL: Biz Rate, Oct 19, 2000)", attached hereto as Reference 4, as "another on-line company already performing the same functionality." However, it is respectfully submitted that as with the Gralla reference, there is no discussion, disclosure, or illustration of how the searching is performed at vendor sites by the cited on-line company. Thus, it would be in error to characterize the Biz Rate reference as teaching using vendor search form URLs submitted directly to identified vendor sites, as in claims 8 and 29.

Lunenfeld does not specifically teach <u>translating</u> content into different languages. Examiner submits AltaVista as evidence that automatic, electronic <u>translation</u> to and from different languages is a well-known on-line feature. The feature is outlined from a web page of April 25, 2000 with "translate please" feature.

It would have been obvious-to one of ordinary skill at the art at the time of the invention to modify the searching agent of Lunenfeld to include automatic <u>translation</u> service as taught by AltaVista. One of ordinary skill in the art would have been motivated to make such a modification in increase the user base beyond English only speaker.

(Final Office Action, page 4, emphasis added.)³³

However, neither involved independent claim 8 nor 29 recite or contemplate a translation to and from different languages. To the contrary, a benefit of the claimed configuration, as pointed out, for example at paragraphs 0123, 0132, 0141, and 0283 of the published application, are that vendor sites which are in the native language of the search request entered by the user may be identified through the vendor descriptions, that information may be obtained from the identified vendor site in the native language used by that site, and that there is no need for any translation of the native language used into a standard language. As a result, by using the native language of the search request from the user, the errors and ambiguities introduced by a translation step are avoided.

It is therefore respectfully submitted that neither the Lunenfeld, Gralla, or AltaVista references, alone or in combination, teach the methods of involved independent claims 8 and 29, and for the reasons set forth above, the Examiner's rejection of involved independent claims 8 and 29 must be reversed.

In the Examiner's "Response to Arguments" discussion on page 5 of the Final Office Action, the Examiner reiterated the position, that language translation is in the prior art.

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Rejection of dependent claims 9-28 and 30-35:

The Examiner has not identified any additional grounds for rejecting involved dependent claims 9-28 and 30-35. Claims 9-28 and 30-35 are patentable over the cited reference because they are dependent from patentable base claims 8 or 29. Additionally, it is respectfully submitted that the dependent claims recite additional features that are not found in the Lunenfeld. Gralla or AltaVista references, alone or in combination, for example, user authentication comprising a security interface (claim 19), a security interface that categorizes users as temporary trial and life members (claim 20), vendor sites that are registered or non-registered vendors (claim 21), vendor descriptions are automatically constructed through an inductive learning method (claim 22), or an inductive learning method that can work in multilingual environments (claim 23).

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Conclusion

For the reasons set forth above, it is respectfully submitted that that the Examiner's

rejections of claims 8-35 based upon 35 U.S.C. 103(a) are in error, and Applicant hereby

requests that the Board reverse the Examiner's rejections and affirm the patentability of the

claims on appeal.

Respectfully submitted,

DLA Piper US LLP

Dated: February 29, 2008

Gerald T. Sekimura

Reg. No. 30,103

Attorneys for Applicant

ATTN: Patent Department

DLA Piper US LLP

153 Townsend Street, Suite 800

San Francisco, CA 94107-1957

Tel: (415) 836-2500

Fax: (415) 836-2501

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Claims appendix page(s)

Listing of Claims:

- 1. (Withdrawn)
- 2. (Withdrawn)
- 3. (Withdrawn)
- 4. (Withdrawn)
- 5. (Withdrawn)
- 6. (Withdrawn)
- 7. (Withdrawn)
- 8. (Previously presented) A method for real-time online search processing over interconnected computer networks, the method comprises the steps of:
 - a. accessing an offline database having vendor descriptions for a plurality of vendor sites, including vendor sites in different native languages, over inter-connected computer networks, the vendor descriptions having information about each of the plurality of vendor sites that include:
 - i. a URL for each of the plurality of vendor sites;
 - ii. a search form URL for each of the plurality of vendors;
 - iii. description of domains found in each of the plurality of vendor sites;

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iv. generalized rules about how product information is organized on each

of the plurality of vendor sites;

v. samples of price and product information retrieved from the plurality of

vendors;

b. receiving from an online user, in one of the different native languages, a price

comparison request for a desired product;

c. identifying from the vendor descriptions, vendor sites which may have price

information relevant to the price comparison request;

d. constructing search requests for the desired product using the vendor descriptions

for each of the identified vendor sites, including the corresponding search form URL;

e. submitting directly to the identified vendor sites the constructed search requests;

f. extracting price and product information from search results received in response to

the submitted search requests, wherein the extracted price and product information are in the

one of the different native languages; and

g. displaying the extracted price and product information to the user.

9. (Original) The method of claim 8 wherein the general rules include delimiters which

can uniquely identify the occurrence of price and associated information within each of the

plurality of vendors.

10. (Original) The method of claim 8 wherein the URLs of the plurality of vendor sites,

and the extracted price and product information are stored in a database.

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11. (Original) The method of claim 10 wherein the URLs of the plurality of vendor sites,

and the extracted price and product information which are stored in the database are updated

periodically.

12. (Original) The method of claim 11 wherein the URLs of the plurality of vendor sites

and the extracted price and product information, which are stored in the database, are

automatically updated daily.

13. (Original) The method of claim 8 wherein each of the plurality of vendor descriptions

is specific to a different online store.

14. (Original) The method of claim 13 wherein only one vendor description for each

different online store is stored in a database.

15. (Original) The method of claim 8 wherein the extracting step includes the step of

verifying accurate matches in the search results received in response to the submitted search

requests with the desired product.

16. (Original) The method of claim 8 wherein the displaying step includes the step of

displaying price and product information for the desired product only from the vendor site

having the best price.

17. (Original) The method of claim 8 wherein the displaying step includes the step of

displaying price and product information for the desired product in a selectable arrangement.

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18. (Original) The method of claim 8 wherein the displaying step includes the step of displaying price and product information for the desired product and which has been sorted

according to price.

19. (Original) The method of claim 8, further includes a step of user authentication

comprising a security interface.

20. (Original) The method of claim 19, wherein the security interface categorizes users as

temporary trial and life members.

21. (Original) The method of claim 8, wherein vendors in the plurality of vendor sites are

registered or non-registered vendors.

22. (Original) The method of claim 8, wherein the vendor descriptions are automatically

constructed through an inductive learning method.

23. (Original) The method of claim 22, wherein the inductive learning method can work

in multilingual environments.

24. (Original) The method of claim 22, wherein the inductive learning method is domain

independent.

25. (Original) The method of claim 22, wherein the inductive learning method operates in

multiple domains such as books, electronic products, movies, or other products.

26. (Original) The method of claim 22, wherein the inductive learning method uses a

small set of training data.

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27. (Original) The method of claim 26, wherein the training data includes product

examples and the URL from online stores.

28. (Original) The method of claim 26, wherein the inductive learning method can extract

and identify data independent of presentation style of the online store.

29. (Previously presented) A method for real-time online search processing over inter-

connected computer networks, the method comprises the steps of:

a. maintaining in an offline database information for a plurality of vendor sites,

including vendor sites in different native languages, over inter-connected computer networks,

the information includes URLs, search form URLs, description of domains, and vendor

descriptions, wherein the vendor descriptions include generalized rules about how product

information is organized on each of the vendor sites;

b. processing parameters for a price comparison request, received from an online user

in one of the different native languages, for a desired product using the information

maintained in the offline database, including identifying from the vendor descriptions vendor

sites which may have price information relevant to the price comparison request;

c. extracting real-time price and product information from the identified ones of the

plurality of vendor sites from information received in response to search requests constructed

using the information maintained in the offline data base for each of the identified vendor

sites, including a search form URL, and submitted directly to the identified vendor sites,

wherein the extracted price and product information are in the one of the different native

languages; and

d. displaying the extracted price and product information to the user.

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30. (Original) The method of claim 29, wherein the step of receiving a price comparison

request further comprises the step of receiving from the user at least one search parameter and an

identification of at least one online vendor on said computer network; and further wherein the

extracting step includes the steps of

i. posting a request using the processed parameters to at least one of the plurality of

vendors online, in real-time; and

ii. retrieving data related to the price and product information from search results

obtained in response to the posting step;

iii. sorting the retrieved data by price; and

iv. displaying processed data for the desired product from at least one of the plurality

of vendors.

31. (Original) The method of claim 30, wherein the step of receiving a price comparison

request is initiated by the online user.

32. (Original) The method of claim 30, wherein in the step of posting a request, the

processed parameters are the combination of the search parameters and vendor identification

received from the user, vendor description for the identified vendor, and the URL of the

identified vendor.

33. (Original) The method of claim 30, wherein the vendor descriptions maintained in the

offline database includes patterns which identify information in vendor sites, and further wherein

the step of retrieving data employs the patterns.

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34. (Original) The method of claim 30, wherein the step of extracting real-time price and product information is domain-independent and language-independent.

35. (Original) The method of claim 30, wherein the step of displaying the processed data is based on composing information to be displayed in HTML.

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Evidence Appendix page(s)

- 1. Application and drawings (as published in US 2003/00167209)
- 2. Final Official Action
- 3. Reference 1 -- US Patent No. 6,789,073 to Lunenfeld
- 4. Reference 2 -- Gralla, *How the Internet Works*, Millennium Edition, Macmillan Computer Publishing, 1999, pp. 184-189.
- 5. Reference 3 -- Alta Vista (WayBack Machine archive of Alta Vista World: Home's translation machine from April 08, 2000).
- 6. Reference 4 Biz Rate (WayBack Machine archive of Biz Rate.com : Marketplace from Oct. 19, 2000).

Application/Control Number 09/967,233 Art Unit: 3693 Attorney Docket No. 352189-990101

Related proceedings appendix page(s)

There are no related proceedings.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Docket No. 352189-990101 Applicant(s): Victor Hsieh Filing Date Group Art Unit Examiner Serial No. 09/967,233 September 27, 2001 Kristen S. Apple 3693 Invention: Online Intelligent Information Comparison Agent of Multilingual Electronic Data Sources Over Interconnected Computer Networks I hereby certify that this Appeal Brief (Identify type of correspondence) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop APPEAL BRIEF-PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 29, 2008. Ta-Tanisha L. Henry (Typed or Printed Name of Persoy Mailing Correspondence) (Signature of Person Mailing Yorkespondence) EV 866302184 US ("Express Mail" Mailing Label Number,

APPENDIX 1

Application and Drawings (as published in US 2003/00167209)

APPENDIX 2

Final Office Action



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERC United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
09/967,233	09/27/2001	Victor Hsieh . 2102	2102680-990101 6629		2102680-990101 6629	
29585 75 DLA PIPER US 1	90 01/29/2007 LLP	,	EXAM	INER		
153 TOWNSENI		•	APPLE, KIRSTEN SACHWITZ			
SUITE 800 SAN FRANCISCO, CA 94107-1957			ART UNIT	PAPER NUMBER		
			3693			
			•			
SHORTENED STATUTORY	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE			
3 MON	THS	01/29/2007	PAF	PER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
	09/967,233	HSIEH, VICTOR				
Office Action Summary	Examiner	Art Unit				
	Kirsten S. Apple	3693				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status		`				
1)⊠ Responsive to communication(s) filed on 20 No.	ovember 2006.					
3) Since this application is in condition for allower	nce except for formal matters, pro	osecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>8-35</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw						
5) Claim(s) is/are allowed.	•					
6)⊠ Claim(s) <u>8-35</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
		٠.				
Attachment(s)						
1) X Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Notice of Informal Patent Application						
3) Information Disclosure Statement(s) (PTO/SB/08) . Paper No(s)/Mail Date 101.7) / リャ	6) Other:	аселі гурновион .				
S Patent and Trademark Office						

Page 2

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 8-35 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunenfeld in view of Gralla ("How the Internet Works") in further view of AltaVista (wayback machine of AltaVista's translations machine from April 08, 2000).

Claims 8-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Lunenfeld.

Lunenfeld teaches a client-server multitasking process comprising: receiving a request comprising searching criteria, comprising n search queries, at least two of which comprise different query values directed to different server addresses, request grouping criteria, and display criteria specifying for which request group information is to be returned; processing n search query and server address pairs into m request groups; for the search queries in the specified request group, sending to the server designated by the server address a query derived from the corresponding search query; receiving response information from the servers; processing the response information into a plurality of return groups by associating a different query value with a different one of the return groups and merging into the return group the response information from the servers that received queries directed to the query value

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associated with the return group; consolidating the return groups into a consolidated response; returning the consolidated response (abstract).

Examiner notes that the preceding teachings represent:

- Receiving from an online user a request
- Constructing search requests for the received request
- Submitting the constructed search requests
- Extracting information from the search requests
- Displaying the extracted information to the user

Lundenfeld further teaches, the client-server multitasking system should be capable of, for example, determining best query results, with respect to a plurality of search engine results; purchasing and/or price comparisons, viewing and/or reviewing prices/values and trends for different sites, determining lowest costs and lowest cost analyses for wholesale and retail purposes; product availability, e.g., airline tickets, pricing, and ticket availability, from different airlines to the same and/or different locations (column 7; lines 34-45). Examiner notes that this represents searching vendor sites for a price comparison.

Lundenfeld further teach a PS server which parses, processes and/or formats the information requests. The server PS may also make additional optional requests of optional offline databases (reference the section of server PS starting at column 42; line 10). Examiner notes that this represents Applicant's offline database having vendor descriptions for a plurality of vendor sites including a URL for each of the sites, description domain and generalized rules about how product information is organized.

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Lunenfeld does not specifically teach using search form URLs. Applicant teaches search form URLs in the specification on page 25, lines 3-14. Examiner submits Gralla as evidence that search form URL's were an old and well known means of searching the Internet. Examiner specifically relies on page 189 box 3, which teaches agents which are intelligent enough to know the proper syntax to search a server. This feature provides efficiency, as the agent doesn't have to fill out forms a normal user would be required to fill out.

It would have been obvious to one of ordinary skill at the art at the time of the invention to modify the searching agent of Lunenfeld to include searching using a sites preferred method including search form URLs as taught by Gralla. One of ordinary skill in the art would have been motivated to make such a modification in order to provide efficiency as taught by Gralla.

Lunenfeld does not specifically teach translating content into different languages.

Examiner submits AltaVista as evidence that automatic, electronic translation to and from different languages is a well-known on-line feature. The feature is outlined from a web page of April 25, 2000 with "translate please" feature.

It would have been obvious to one of ordinary skill at the art at the time of the invention to modify the searching agent of Lunenfeld to include automatic translation service as taught by AltaVista. One of ordinary skill in the art would have been motivated to make such a modification in increase the user base beyond English only speaker.

Response to Arguments

Applicant's arguments filed 10/20/2006 have been fully considered but they are not persuasive.

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In particular, and respect to Claim 1 the Applicant argued 1st: "Gralla does not teach, suggest, or make obvious the use of search form URL's to submit requests directly to identified vendors" or identify from the vendor descriptions, vendor sites which may have price information relevant to the price comparison request."

The Examiner refutes the argument made by the Applicant and draws the attention to Ludenfeld column 7, lines 34-45 which teach the use of search form URL's to submit request directly to identified vendors and identifies from the vendor descriptions, vendor sites which may have price information relevant to the price comparison request. This example of airline tickets, pricing and availability is a clear example of this feature in use. While the examiner believes her case is very clear and strong for further emphasis to indicate that this feature was well know at the time the application was submitted the examiner has provided an additional reference. From the Wayback machine (NPL: Biz Rate, Oct 19,2000) another on-line company already performing the same functionality was found. This example was for Palm V and list vendors, ratings and pricing using search form URL's to submit requests directly to identified vendors. Clearly from this information price comparison request are searched and displayed.

Applicants argued 2nd, "there is no discussion of handling sites in different native languages.

The Examiner refutes the argument made by the Applicant and draws the attention to AltaVista (Wayback machine April 8, 2000). Language translation dates back thousands of years to the Greeks and Romans. In more modern day there are many automatic electronic translation systems such as the AltaVista reference, which automatically translates words, sentences or whole web sites. Adding such a language feature does not make this application unique and would be obvious to those of ordinary skill in art at the time of the invention.

Conclusion

There was a confusion raised by the applicant about if it was non-final or final on the office action mailed 5/25/2006. To clarify the office action of 5/25/2006 will be considered non-

Page 5

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final on the record. If any part of the office action of 5/25/2006 incorrectly stated this please consider those errors and corrected based on this statement on the record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Application/Control Number: 09/967,233

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Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

Ames Klamer

Based on PTO/SB/08a (05-03)
Approved for use through 04/30/2003. OMB 0851-0031
US. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE er the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Litute for form 1449A/PTO 2 5 2006 Application Number 09/987.233 007 Filing Date September 27, 2001 ORMATION DISCLOSURE First Named Inventor Victor Hsieh ATEMENT BY APPLICANT Art Unit 3692 Examiner Name James A. Kramer (Use as many sheets as necessary) Attorney Docket Number 352189-990101 Sheet of

			U. S. PATENT	DOCUMENTS							
Examiner Initials*	Cite No.1	Document Number Publication Date Name of Patentee or Pages, Columns, Lines, W Applicant of Cited Document Relevant Passages or Rel Figures Appear									
	AA	US-6,134,548 .	10/17/2000	GOTTSMAN, et al.							
		NON PA	TENT LITERATUR	RE DOCUMENTS							
Examiner Initials*	Cite No.1	Include name of the autho magazine, journal, seria	il, symposium, catalog,	S), title of the article (when appro etc.), date, page(s), volume-issue untry where published.	priate), title of the item (book, e number(s), publisher, city	T²					
ZA	AB	PriceGrabber: "PriceGrabber and Tom's Hardware Guide team up for comparison shopping," Business Wire, August 14, 2001, Proquest 77407123, 3 pgs.									
	AC	PriceGrabber: www.pricegrabb	er.com; Internet Archiv	e Wayback Machine, <u>www.archiv</u>	re.org; July 10, 2001, 2 pgs.						
	AD	listings," PR Newswire, May 9,	2001, Proquest #72647								
AE RANDALL, Neil, "Informing-syndicated content freshens up a site and keeps visitors informed at the same time," F. Magazine, February 20, 2001, Dialog file 47 #05994192, 3 pgs. AF PriceGrabber: MEISLIN, Richard, "BASICS: a personal shopper for online bargains," New York Times, November 2001, Dialog file 471 #04174695, 4 pgs.						_					
	AG			ysia, June 7, 2001, Proquest #73		<u> </u>					
AH Business Wire, "Deal Time to bring wireless comparison shopping to Nextel online subscribers," August 8, 2000, #57648348, 3 pgs. Al FLOYD, Michael, "Coming to terms with extensible markup." Wab Techniques, May 2001, v6i5pg66, Proquest #70517800, 5 pgs.											
	AJ	September 28, 2000, Proquest	#61200354, 3 pgs.	sform the delivery of automotive i							
AK PR Newswire, "CNET Networks provides technology content to Nextel Online (SM) Wireless Customers," August Proquest #57302767, 3 pgs.					eless Customers," August 1, 2000,	<u> </u>					
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'EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with nex communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MEEP 901.04. 3 Enter Office that issued the document. by the two-letter code (WPO Standard ST.3). 4 For Japanese patent documents, of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Date

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This collection of Information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, US. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Examiner

Signature

Notice of References Cited Application/Control No. | Applicant(s)/Patent Under Reexamination HSIEH, VICTOR Examiner | Art Unit | Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Date Country Code-Number-Kind Code MM-YYYY Name		Classification	
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)						
	U	AltaVIsta - "translation service" from Wayback machine from April 8,2000 4 pages attached						
	>	BizRate.com - from Wayback machine from Oct 19,2000 4 pages attached						
	w							
	×	reference in not being fruith this Office action (See MDED 5 707 05(a))						

A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

APPENDIX 3

Reference 1 – U.S. Patent No. 6,789,073 to Lunenfeld

APPENDIX 4

Reference 2 – Gralla, How the Internet Works



MENNIUM EDITIONS

HOW THE INTERNET WORKS



TK 5105 .875 .157 G72 1999 c.27

Illustrated by SARAH ISHIDA, MINA REIMER, & STEPHEN ADAMS

How the Internet Works, Millennium Edition Copyright[®] 1999 by Que[®]

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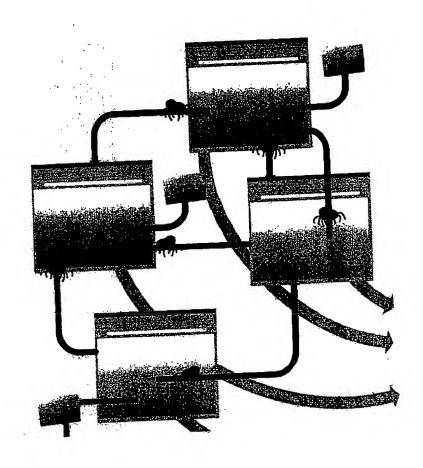
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Searching the 32 Internet



SO much information is available on the Internet, but there is so little organization to the Internet that it can seem impossible to find the information or documents you want. A number of solutions have sprung up to solve the problem. The two most popular ones are indexes and search engines.

Indexes present a highly structured way to find information. They enable you to browse through information by categories, such as arts, computers, entertainment, sports, and so on. In a Web browser, you click a category, and you are then presented with a series of subcategories. Under sports, for example, you'll find baseball, basketball, football, hockey, and soccer. Depending on the size of the index, several layers of subcategories may be available. When you get to the subcategory you're interested in, you'll be presented with a list of relevant documents. To get to those documents, you click the links to them. Yahoo! (http://www.yahoo.com/) is the largest and most popular index on the Internet. Yahoo! and other indexes also enable you to search by typing words that describe the information you're looking for. You then get a set of search results—links to documents that match your search. To get the information, you click a link.

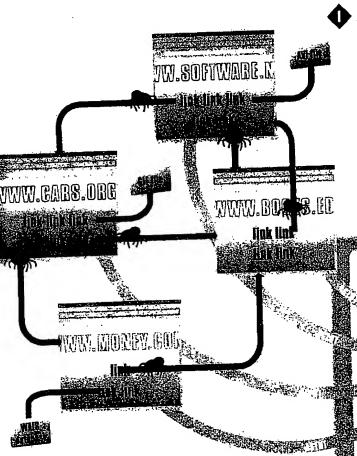
Another popular way of finding information is to use search engines, also called search tools and sometimes called Web crawlers or spiders. Search engines operate differently from indexes. They are essentially massive databases that cover wide swaths of the Internet. Search engines don't present information in a hierarchical fashion. Instead, you search through them as you would a database, by typing keywords that describe the information you want.

Many popular Internet search engines exist, including Lycos, Excite, and AltaVista. Although the specifics of how they operate differ somewhat, generally they are all composed of three parts: at least one spider, which crawls across the Internet gathering information; a database, which contains all the information the spiders gather; and a search tool, which people use to search through the database. Search engines are constantly updated to present the most up-to-date information, and they hold enormous amounts of information. Search engines extract and index information differently. Some index every word they find in a document, for example, and others index only the key 100 words in each document. Some index the size of the document; some index the title, headings, subheadings, and so on.

Additionally, each search engine returns results in a different way. Some weigh the results to show the relevance of the documents; some show the first several sentences of the document; and some show the title of the document as well as the URL.

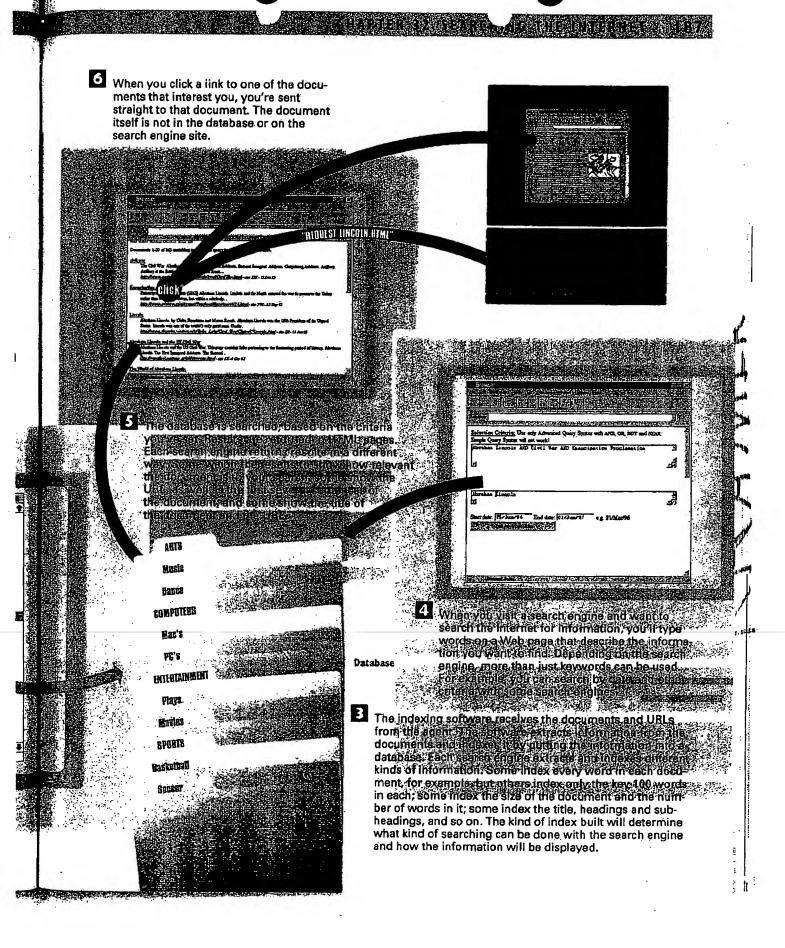
Many search engines and indexes are on the Internet, each with its own strengths and weaknesses. To cast the widest possible net when looking for information, you'd like to search as many of them as you can. The problem is that doing so is too time-consuming. So a type of software called meta-search software has been developed. With this software, you type a search on your own computer. The software then submits the search to many Internet search engines and indexes simultaneously, compiles the results for you, and then delivers the results to your computer. To visit any resulting site, just click the link, the same as if you were on an index or search engine site.

How Internet Search Engines Work



Each search engine uses a crawler or spider with its own set of rules guiding how documents are gathered. Some follow every link on every home page that they find and then, in turn, examine every link on each of those new home pages, and so on. Some spiders ignore links that lead to graphics files, sound files, and animation files. Some ignore links to certain Internet resources such as WAIS databases, and some are instructed to look primarily for the most popular home pages.

As the spider discovers documents and URLs, software agents are instructed to get the URLs and documents and send information about them to indexing software.



How Meta-Search Software Works

Meta-Search

Software

Meta-search software is software that sits on your computer and enables you to search through many Internet search engines simultaneously and to view and use the results. You can browse through the results on your computer and click those pages that you want to visit. This illustration shows how one such piece of meta-search software, called Copernic, works.

•

When you want to search for something on the internet, you type descriptive words or a search term into the meta-search software.

The agent sends the results back to the meta-search software. After the agent sends its report back to the meta-search software, it goes to another search engine and submits a search in that engine's proper syntax, and then again sends the results back to the meta-search software.

The meta-search software takes all the results from all the search engines and examines them for duplicate results. If it finds duplicate results, it deletes them. It then displays the results of the search, ranking each "hit" by the likelihood that it contains the information you requested. It figures out the ranking by examining the title of the site found, the header information in the site, and the words on the site.

| Direct Schools | Description of the Control of th

The meta-search software sends man "agents" simultaneously—depending the speed of your connection, usually from 4 to 8, but it can be as many as 3 different agents. Each agent contacts or more search engines or indexes, st as Yahool, Lycos, or Excite.

Preston's Pieks

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Preston's Picks

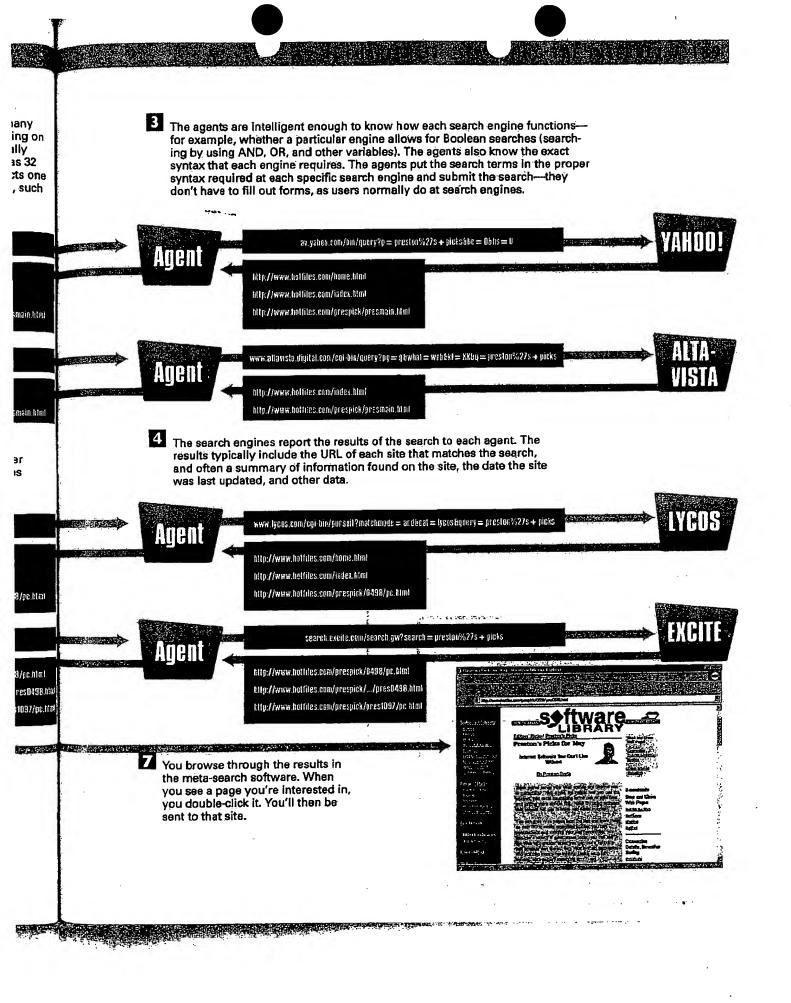
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APPENDIX 5

Reference 3 – Alta Vista

WayBackMachine

Enter Web Address: http://

All

Take Me Back

Adv. Search Compare Archive Pages

Searched for http://world.altavista.com/

1457 Results

Note some duplicates are not shown. See all.

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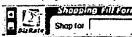
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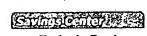
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